

REMARKS

Claims 1-6 are in the application. By this amendment, Claims 1 and 4 are amended. Claims 1-6 had been objected to because of an informality regarding claim status, and this has been corrected.

Claims 1-2 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al. (6,139,044), in view of Morrison. The Examiner states that Smith discloses a bumper assembly having a bumper cover 50 with an aperture for accessing hitch receiver 42, but that Smith fails to disclose providing an access door engaged to the receiver. The Examiner continues with the assertion that Morrison discloses a method for providing an access door for concealing a hitch receiver including providing an access door 10 having an outer decorated surface 24 and an inner surface, with the access door further having attaching bracket 30 mounted to the inner surface so that the access door may engage with the hitch receiver. Finally, the Examiner concludes that it would have been obvious at the time of the invention was made to apply the method disclosed by Morrison to the bumper assembly disclosed by Smith in order to cover up and decorate the hitch receiver when not in use. Applicants respectfully request that Claims 1 and 2 be reconsidered in view of the amendment of Claim 1 and in view of these remarks and passed to issue.

As set forth in amended Claim 1, Applicants' bumper assembly has a bumper cover with an aperture for accessing not only an interior portion of a hitch receiver, but also an exterior portion of the hitch receiver. The interior portion is of course for receiving a square member having a ball attached thereto, with the exterior portion being accessible to allow a retaining pin to be pushed through holes formed in the receiver. Support for the amendment of Claim 1, as well as the amendment of paragraph 32 of the Specification, is found in the Specification, drawings, and Claims of this case as originally filed.

In contrast with Applicants' device and method, Smith discloses a bumper having its own cover, as well as a separate receiver hitch and a separate cover for the hitch itself. It is noted that Smith's hitch cover does not provide access to any exterior portion of the hitch receiver for the purpose of allowing the user of the vehicle to actually hitch a trailer to the vehicle. In contrast, as amended, Applicants' Claim 1 and for that matter, Claim 4 provide that an access door works

in conjunction with an aperture for accessing interior and exterior portions of the hitch receiver. As noted above, Smith's cover does not have an aperture permitting access to any exterior portion of the hitch receiver. Moreover, Morrison discloses nothing regarding a cover having an aperture containing a receiver. As a result, Claims 1 and 2, with the amendment of Claim 1, are allowable over Smith and Morrison and should be passed to issue. Such action is earnestly solicited.

Claims 4 and 6 stand rejected under 35 U.S.C. 102(b) as being anticipated by Smith et al. (6,260,874). Applicants respectfully submit however, that with the amendment of Claim 4 to specify that the aperture provides for accessing not only an exterior portion, but also an interior portion of the hitch receiver, Claims 4 and 6 patentably define over Smith because Smith discloses nothing regarding use of his cover with an aperture created through a bumper cover and surrounding a receiver hitch on a vehicle. As a result, Claims 4 and 6 are allowable over Smith and should be passed to issue. Such action is earnestly solicited.

Claim 3 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al., as applied to Claims 1 and 2, and further in view of Randall (3,596,926). The Examiner states that Randall teaches that it is well known to use a tethered cover. However, Applicants respectfully submit that Claim 3, which depends from Claim 1, is allowable over the combination of Smith and Randall. Randall teaches nothing regarding an aperture of the type claimed by Applicants, in a hitch cover which is closed by a removable access door. Because Claim 1 is therefore allowable over the combination of Smith and Randall and Claim 3 should be passed to issue. Such action is earnestly solicited.

Claim 5 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al. '874 in view of Randall. As with Claim 3, however, Claim 5 is dependent from Claim 4 which itself is allowable over the combination of Smith and Randall as set forth in connection with the discussion of Claim 1, and Claim 5 should therefore be passed to issue. Such action is earnestly solicited. In sum, Applicants believe that each of the claims in this case is in condition for allowance and respectfully request that they be passed to issue. Such action is earnestly solicited.

Dykema Gossett PLLC

By: 

Jerome R. Drouillard

Registration No. 28,008

2723 South State Street, # 400

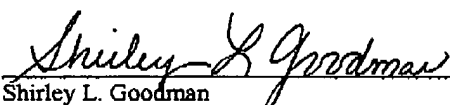
Ann Arbor, MI. 48104

(734) 214-7670

Dated: January 13, 2005

CERTIFICATE OF MAILING

I hereby certify that the enclosed Amendment is being faxed via (703) 872-9306 to Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 13th day of JANUARY, 2005.


Shirley L. Goodman